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**Message:**

Please see attached letter.

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File No. 53759

June 29, 2007

VIA E-MAIL AND U.S. MAIL

Mr. Darryl Boyd  
Department of Planning, Building, and Code Enforcement  
City of San José  
200 East Santa Clara Street, 3rd Floor  
San José, California 95113

Re: Coyote Valley Specific Plan Draft EIR; File No. GP06-02-04//SCH #  
2005062017

Dear Mr. Boyd:

On behalf of our client, Cisco Technology, Inc. (together with its affiliates, "Cisco"), we submit the following comments on City of San José's (the "City") Draft Environmental Impact Report (the "DEIR") for the proposed Coyote Valley Specific Plan Project (the "CVSP"), File No. GP06-02-04//SCH # 2005062017.

As you are aware, Cisco is the largest employer in San Jose. Cisco has invested significant corporate assets in acquiring land, obtaining entitlements (the "Existing Entitlements") and funding infrastructure for approximately 100 acres (the "Cisco Property") in the North Coyote Valley for a possible future corporate campus. The Existing Entitlements are vested by the Development Agreement between the City and Coyote Valley Research Park, LLC, dated October 24, 2000 (the "Development Agreement"). While it is conceivable, depending upon the outcome of the CVSP process, that the Cisco Property might be developed in accordance with the CVSP, it is also foreseeable that Cisco would choose to develop pursuant to the Existing Entitlements. As such, Cisco expects that the City will take all necessary steps in both the CVSP and the associated CEQA documents to plan for and preserve the option of development of the Cisco Property pursuant to the Existing Entitlements.

At a policy level, the City seems to share this expectation. Specifically, the CVSP asserts that one of the City's objectives in developing the CVSP is to, among other things, "[e]ncourage industry driving-job producers to locate or stay in San Jose by, at the very least, maintaining existing land use designations upon which they have already committed corporate assets". In furtherance of this objective, the CVSP contains a policy to "[i]nclude those parcels owned by Cisco and Xilinx (as of 2005) within corporate workplace land use designations."

Mr. Darryl Boyd

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Notwithstanding these policy-level statements, however, the CVSP and DEIR do not appear to develop or analyze a scenario in which the CVSP is approved but the Cisco Property is developed pursuant to the Existing Entitlements. For example, the CVSP does not explain whether or how land use allocations would be adjusted if the Cisco Property were developed pursuant to the Existing Entitlements (*i.e.*, whether the land uses in the rest of the CVSP would remain unchanged, or the 50,000 job/25,000 housing unit caps would remain but the locations of such uses would be reallocated). Also, the CVSP does not identify how infrastructure and other public elements (such as the proposed realignment of Bailey Avenue, the proposed new east-west road through the Cisco Property, the proposed lake and the proposed open space area on the Cisco Property) would be realigned if the Cisco Property were developed pursuant to the Existing Entitlements. These issues should be addressed in the CVSP now, in order to avoid the need for future amendments to the CVSP in the event that the Cisco Property is developed pursuant to the Existing Entitlements.

Likewise, the DEIR does not analyze the environmental impacts of the reasonably foreseeable scenario under the CVSP that would include development of the Cisco Property pursuant to the Existing Entitlements (and the adjacent CVRP property pursuant to its existing, vested entitlements) and the development of the remainder of the Coyote Valley pursuant to the CVSP (adjusted as necessary to accommodate the vested Cisco and CVRP development). As such, the DEIR does not fulfill CEQA's mandate that an EIR analyze all reasonably foreseeable consequences of a project. Moreover, the DEIR does not provide a meaningful opportunity to assess the impacts of this foreseeable scenario. These issues should be addressed now in order to avoid the City having to do additional CEQA review of the CVSP in the future for areas other than the Cisco Property and the CVRP property, if those properties are developed pursuant their existing, vested entitlements.

In order to address these issues, Cisco requests that the City revise the CVSP to accommodate a scenario under which the Cisco Property is developed pursuant to the Existing Entitlements (and the adjacent CVRP property pursuant to its existing, vested entitlements). This revision would explain whether and how land use allocations would be adjusted, and how infrastructure and other public elements would be realigned, if the Cisco Property and the CVRP property were developed pursuant to their existing entitlements. Accordingly, the DEIR analysis would be expanded to include an analysis, at the same level of detail as the rest of the project analysis, of any impacts of this scenario that would differ from the impacts of the CVSP as proposed. The City would then be in a position to approve a version of the CVSP that would allow development of the Cisco Property pursuant to either the Existing Entitlements or the CVSP, without requiring later amendments to or CEQA review of the CVSP for areas other than the Cisco Property and CVRP property.

As noted above, in light of Cisco's significant investment of corporate assets in the Existing Entitlements and its possible future need for corporate facilities expansion space, preserving the option of using the Existing Entitlements is of critical importance to Cisco. We believe that the City shares this goal, and in any case is obligated by the Development Agreement to preserve the Existing Entitlements. As such, we look forward to reviewing a revised CVSP and associated CEQA

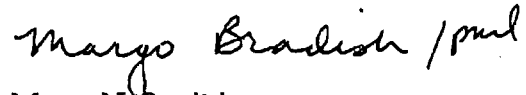
Mr. Darryl Boyd

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documentation that develop and analyze a scenario in which the CVSP is approved but the Cisco Property is developed pursuant to the Existing Entitlements.

Very truly yours,

A handwritten signature in black ink that reads "Margo Bradish /mnl". The signature is written in a cursive, flowing style.

Margo N. Bradish

AKF/AKF

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cc: Ms. Dana M. Pesce, Cisco Systems, Inc.